

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**VILMARIS DIODONET FALCON, : CIVIL ACTION NO. 1:18-CV-2430**

: Plaintiff : **(Chief Judge Conner)**

v. :

**ANDREW M. SAUL,  
Commissioner of Social Security,** :

Defendant :

**ORDER**

AND NOW, this 25th day of March, 2020, upon consideration of the report (Doc. 14) of Magistrate Judge Gerald B. Cohn, recommending that the court vacate the decision of the administrative law judge denying plaintiff Vilmaris Diodonet Falcon's application for disability insurance benefits and supplemental security income, and it appearing that the Commissioner of Social Security has not objected to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge's conclusions "may result in forfeiture of *de novo* review at the district court level," Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should afford "reasoned consideration" to the uncontested portions of the report, E.E.O.C. v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017) (quoting Henderson, 812 F.2d at 879), in order to "satisfy itself that there is no clear error on the face of the record," FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court agreeing with Judge Cohn's analysis and his determination that the administrative

law judge's decision is not supported by substantial evidence, and the court concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 14) of Magistrate Judge Cohn is ADOPTED.
2. The Clerk of Court shall enter judgment in favor of Falcon and against the Commissioner as set forth in the following paragraph.
3. The Commissioner's decision is VACATED and this matter is REMANDED to the Commissioner with instructions to conduct a new administrative hearing, develop the record fully, and evaluate the evidence appropriately in accordance with this order and the report (Doc. 14) of Magistrate Judge Cohn.
4. The Clerk of Court shall thereafter CLOSE this case.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania